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EXAMINER

VAN HANDEL, MICHAEL P

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/884,102

Applicant(s)

MATSUMOTO ET AL.

Examiner

Michael Van Handel

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an Amendment filed 7/13/2006. Claims **1-10** are pending.

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 1, filed 7/13/2006, have been fully considered, but they are not persuasive.

Regarding claim 1, the applicant argues that Tessier et al. fails to disclose or fairly suggest that a locally generated replacement insert video signal is displayed in an area where the received video is reduced and displayed. Specifically, the applicant argues that Tessier et al. teaches using an internal video overlay signal to replace an entire external video signal, and that as such, it is impossible to modify the teachings of Alexander et al. to include the local replacement insert video signal, as taught by Tessier et al., in the translucent overlay of the PIP window 12 together with the electronic program guide (EPG) of Alexander et al. The examiner respectfully disagrees. Alexander et al. discloses displaying an EPG with a real time television program displayed in a picture-in-picture (PIP) window 12. A translucent overlay of the PIP window 12 can display the title, channel and status of window 12 over the television program, so the viewer can still see the entire image (col. 3, l. 56-62 & col. 15, l. 9-11). Alexander et al. further discloses the use of a plurality of tuners for receiving a plurality of television signals simultaneously (col. 14, l. 34-41 & col. 31, l. 12-22). As noted by the examiner in the Office Action mailed 4/13/2006 and herein below, Alexander et al. does not disclose displaying a

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message corresponding to the acquired information in a case where the selected channel has not been contracted for and the video does not come on the area where the received video is reduced and displayed. Tessier et al. discloses switching an external video signal with a locally generated composite signal and displaying a message indicating that the subscriber arrears of payment and will not be provided with service (col. 6, l. 8-41). Tessier et al. further states that input line 1 carries composite video input signals received from a tuner in a CATV controller-converter (col. 2, l. 32-35). Thus, the use of multiple tuners as taught by Alexander et al. renders the applicant's argument regarding the combination of Alexander et al. and Tessier et al. moot. Furthermore, Tessier et al. specifically discloses using the circuit to display a picture-within-a-picture or several pictures-within-a-picture (col. 3, l. 4-8). Still further, Tessier et al. states that it is desirable to replace a scrambled signal that has objectionable amounts of jitter (col. 1, l. 23-40). Thus, the examiner maintains that Tessier et al. successfully remedies the deficiencies of Alexander et al. and that it further be obvious to combine Alexander et al. with Tessier et al. in view of the clear motivation stated by Tessier et al.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, 6, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Tessier et al.

Referring to claim 1, Alexander et al. discloses a system and method for displaying an improved EPG on a display screen. A conventional television receiver (digital broadcasting receiver) can generate a display 10 (electronic program guide display means)(col. 3, l. 4-5 & Fig. 1). In one of Alexander's embodiments, a viewer is asked to tune to a particular channel at a particular time if the viewer is interested in accessing and downloading particular types of information (col. 8, l. 32-35)(displaying program information on a screen on the basis of service information included in digital broadcasting). The data is presented to the display by an on-screen display module (on-screen display circuit)(col. 5, l. 28-37).

Alexander et al. also discloses a PIP window 12 that displays a real time television program together with the EPG (received video display means for reducing received video and displaying the video, together with program information)(col. 3, l. 56-58)(Fig. 1).

Alexander et al. also discloses data download functionality for the EPG schedule, and/or supplemental information relevant to the program listings. Data for the EPG schedule, and/or supplemental information relevant to the program listings can be downloaded from various sources (information acquisition means for acquiring information related to a selected channel)(col. 8, l. 18-35).

Alexander et al. also discloses a translucent overlay of the PIP window 12, which can display the title, channel, and status of window 12 over the television program so the viewer can still see the entire image (message display means for creating a message corresponding to the acquired information and displaying the message in an area where the received video is reduced and displayed)(col. 3, l. 56-62 & col. 15, l. 9-11).

Alexander et al. also discloses the use of a plurality of tuners for receiving a plurality of television signals simultaneously (col. 14, l. 34-41 & col. 31, l. 12-22)

Alexander et al. does not disclose displaying a message corresponding to the acquired information in a case where the selected channel has not been contracted for and the video does not come on the area where the received video is reduced and displayed. Tessier et al. discloses switching an external video signal with a locally generated composite signal and displaying a message indicating that the subscriber arrears of payment and will not be provided with service (col. 2, l. 32-35; col. 3, l. 4-8; & col. 6, l. 8-41). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Alexander et al. to include switching an external video signal with a local signal and displaying a message indicating that the subscriber arrears of payment, such as that taught by Tessier et al. in order to replace a scrambled signal that has objectionable amounts of jitter (col. 1, l. 23-40).

Referring to claim 5, Alexander et al. discloses a procedure wherein a parent identifies all viewers of the television, and assigns individual viewer identifiers. The parent selects the channels and programs that can be visible in the Grid Guide for a particular viewer and selects channels and/or programs that are to be blocked from viewing. Child viewers will view a simplified Grid Guide and will be blocked from viewing the programs so marked by the parent. Viewers are identified by viewer ID and password or by the individual viewer's remote control (information acquisition means acquires information indicating whether or not the selected channel corresponds to the viewing age limit)(col. 17, l. 13-36).

Referring to claim 6, Alexander et al. discloses a translucent overlay of the PIP window 12, which can display the title, channel, and status of window 12 over the television program so

the viewer can still see the entire image (message display means displays a message in a semitransparent state in an area where received video is reduced and displayed)(col. 3, l. 58-62).

Referring to claim 10, Alexander et al. discloses a system and method for displaying an improved EPG on a display screen. The system can utilize a conventional television receiver (digital broadcasting receiver) to generate display 10 (col. 3, l. 4-5)(Fig. 1). The system also includes a PIP window 12 with a translucent overlay. The overlay can display the title, channel, and status of window 12 over the television program (col. 3, l. 57-62).

5. Claims 2, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Tessier et al. and further in view of Breslauer et al.

Referring to claim 2, the combination of Alexander et al. and Tessier et al. teaches a system and method for displaying an improved EPG on a display screen. The system can utilize a conventional television receiver (digital broadcasting receiver) to generate display 10 (Alexander et al. col. 3, l. 4-5)(Fig. 1). The combination of Alexander et al. and Tessier et al. does not disclose that the information acquisition means acquires contract information related to a selected channel. Breslauer et al. discloses that a conditional access provider may provide a HTML format document that indicates terms of a contract that need to be accepted before access to a pay-per-view channel will be granted (col. 10, l. 26-28, 38-50). It would have been obvious to modify the combination of Alexander et al. and Tessier et al. to include a HTML format document indicating terms of a contract that need to be accepted before access to a pay-per-view channel will be granted such as that taught by Breslauer et al. in order to allow the viewer the convenience of perusing and accepting a contract from their home.

Referring to claim 7, Alexander et al. teaches a system and method for displaying an improved EPG on a display screen. The system can utilize a conventional television receiver (digital broadcasting receiver) to generate display 10 (col. 3, l. 4-5)(Fig. 1). The system also includes a PIP window 12 with a translucent overlay. The overlay can display the title, channel, and status of window 12 over the television program (col. 3, l. 57-62).

6. Claims 3, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Tessier et al. and further in view of Dunn et al.

Referring to claim 3, the combination of Alexander et al. and Tessier et al. teaches a system and method for displaying an improved EPG on a display screen. The system can utilize a conventional television receiver (digital broadcasting receiver) to generate display 10 (Alexander et al. col. 3, l. 4-5)(Fig. 1). The combination of Alexander et al. and Tessier et al. does not teach that the information acquisition means acquires preview information related to the selected channel. Dunn et al. discloses a preview browse UI of a VOD application 74 (Fig. 3). The preview browse UI facilitates the display of preview video trailers on the TV, which correspond to these programs. The UI further enables the viewer to “surf” through the various trailers at his/her own pace, and rent a program for immediate viewing (information acquisition means acquires preview information related to the selected channel)(col. 5, l. 1-15). It would have been obvious to modify the combination of Alexander et al. and Tessier et al. to include a preview browse UI such as that taught by Dunn et al. in order to allow the viewer to preview channels before purchasing them.



Referring to claim 8, Alexander et al. discloses a system and method for displaying an improved EPG on a display screen. The system can utilize a conventional television receiver (digital broadcasting receiver) to generate display 10 (col. 3, l. 4-5)(Fig. 1). The system also includes a PIP window 12 with a translucent overlay. The overlay can display the title, channel, and status of window 12 over the television program (col. 3, l. 57-62).

7. Claims 4,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. in view of Tessier et al. and further in view of Kohno et al.

Referring to claim 4, the combination of Alexander et al. and Tessier et al. teaches a system and method for displaying an improved EPG on a display screen. The system can utilize a conventional television receiver (digital broadcasting receiver) to generate display 10 (Alexander et al. col. 3, l. 4-5)(Fig. 1). The combination of Alexander et al. and Tessier et al. does not teach that the information acquisition means acquires information indicating whether or not the selected channel is a radio program. Kohno et al. discloses an (on-air program guide) PP with a channel selecting section 83 that displays buttons for determining a channel selected at a program title displaying section 82 (col. 8, l. 20-22)(Fig. 6). Television channel determining button 83A has buttons capable of selecting a radio channel (col. 8, l. 25). When the radio channel button 83R is selected by the cursor K, the programs having no image but having audio signals are displayed at the program title displaying section 82 in the order of the channels (col. 9, l. 66-67 and col. 10, l. 1-2)(Fig. 9). It would have been obvious to modify the combination of Alexander et al. and Tessier et al. to include a radio channel button such as that taught by Kohno

et al. in order to present the viewer with information indicating whether a given channel is a television or radio program.

Referring to claim 9, Alexander et al. discloses a system and method for displaying an improved EPG on a display screen. The system can utilize a conventional television receiver (digital broadcasting receiver) to generate display 10 (col. 3, l. 4-5)(Fig. 1). The system also includes a PIP window 12 with a translucent overlay. The overlay can display the title, channel, and status of window 12 over the television program (col. 3, l. 57-62).

### *Conclusion*

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571.272.7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2623

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